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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/318,883	05/26/1999	BANUMATHY K. SUNDHAR	57983.000172 (RN1153)	2031

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EXAMINER

LEVITAN, DMITRY

ART UNIT	PAPER NUMBER
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2662

DATE MAILED: 04/05/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/318,883

Applicant(s)

SUNDHAR, BANUMATHY K.

Examiner

Dmitry Levitan

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 7-10 is/are allowed.
- 6) ☒ Claim(s) 1, 11, 13 and 16 is/are rejected.
- 7) ☒ Claim(s) 2-6, 12, 14 and 15 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____.  |

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Applicant's amendment, filed 01/22/04, has been entered. Claims 1-16 remain pending.

***Specification***

1. In light of the Applicant's correction, the objection to the specification has been withdrawn.

***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

3. Claims 1 and 11 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims limitation "in the presence of an identified IP telephone" is unclear, because it is the calling phone that is identified as an IP phone and will receive a data file, so the presence of identified IP phone is not understood: is it the calling IP phone or another IP phone.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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Claims 1, 11, 13 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bateman (US 6,311,231) in view of Jones (US 6,141,341).

Bateman substantially teaches all the limitations of claims 1, 11, 13 and 16.

Bateman teaches a system and a method for providing directory assistance DA in response to DA operator (agent workstation 12 on Fig. 1 and col. 5 lines 21-31) received from a calling party telephone (customer premise 2 on Fig. 1 and col. 5 lines 1-10) having a directory number DN identifying the calling party phone (corresponding customer records in a database col.9 lines 10-18 or col. 10 lines 39-50), phone accessing the telephone system through PSTN (phone line 10 on Fig. 1 and col. 5 lines 1-10) and through internet (Internet line 6 on Fig. 1 and col. 5 lines 1-10), comprising:

A DA signal processor with memory for storing the DN telephones (call center's customer info system 42 on Fig. 1 and col.5 lines 46-50), each DN being stored in the memory in relationship with additional party information (800 numbers on Col. 1 lines 22-37);

A telephone switch (digital switch 34 with CTI software on Fig. 1), responsive to receipt of a DA number and having a processor and memory for determining the type of calling phone (CTI using CLID on col. 9 lines 1-18);

Reporting the requested DA information in voice format to the calling phone (col. 10 lines 39-50) and forwarding the requested DA information in data file format to the calling party phone (col.10 lines 50-67).

Bateman does not teach determining the type of the calling phone including IP telephone.

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Jones teaches determining the type of the calling phone including IP telephone (notifying the user if incoming call is a PSTN-based call or VoIP-based call col. 6 lines 17-27). It would have been obvious to one of ordinary skill in the art at the time the invention was made to add determining the type of the calling phone including IP telephone of Jones to the system of Bateman to improve the system compatibility with IP telephones.

Regarding claim 13, Bateman teaches receiving the DA information response data file from the DA signal processor (call center host computer on Fig. 10 and col. 10 lines 50-67).

***Allowable Subject Matter***

5. Claims 7-10 are allowed.
6. Claims 2-6, 12, 14 and 15 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Response to Arguments***

7. Applicant's arguments with respect to claims 1, 11, 13 and 16 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Jones                      US006141341A                      VoIP telephone system and method.

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Malik            US006415027B1        Network, system and method for routing traffic within a telephone network.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dmitry Levitan whose telephone number is 703-305-4384. The examiner can normally be reached on 8:30 to 4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hassan Kizou can be reached on 703-305-4744. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Dmitry Levitan  
Patent Examiner.  
03/22/04.



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